

103^D CONGRESS
2^D SESSION

H. R. 5098

To ratify a compact between the Assiniboiné and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1994

Mr. WILLIAMS introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To ratify a compact between the Assiniboiné and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fort Peck Tribes-
5 Montana Compact Act of 1994”.

6 **SEC. 2. RATIFICATION OF COMPACT.**

7 The Fort Peck Indian Tribes-Montana Compact is
8 approved, ratified and confirmed.

1 **SEC. 3. AGREEMENTS RELATED TO USE OF WATER RIGHTS.**

2 (a) TRIBAL AUTHORITY TO ENTER INTO AGREE-
3 MENTS.—Subject to the approval of the Secretary and to
4 all terms of the Fort Peck Indian Tribes-Montana Com-
5 pact, the Tribes may enter into a joint venture, service
6 contract, lease, exchange or other agreement (hereafter re-
7 ferred to in this Act as a “Water Agreement”), or a modi-
8 fication of such agreement, that authorizes—

9 (1) the delivery, use or transfer of any part of
10 the water rights confirmed in the Tribes by the Fort
11 Peck Indian Tribes-Montana Compact, for a speci-
12 fied term, not to exceed 50 years, inclusive of all re-
13 newal periods; or

14 (2) the diversion or use of any portion of a
15 tribal water right within or outside the Reservation.

16 (b) APPROVAL BY SECRETARY.—The Secretary shall
17 approve or disapprove a Water Agreement, or a modifica-
18 tion of such agreement, within—

19 (1) 180 days after submission of the agreement
20 or modification to the Secretary; or

21 (2) 60 days after compliance, if required, with
22 section 102(2)(C) of the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and with
24 any other applicable provision of Federal law;
25 whichever is later.

1 (c) ENFORCEMENT.—A party to a Water Agreement
2 or modification may enforce the provisions of subsection
3 (b) in accordance with the provisions of section 1361 of
4 title 28, United States Code.

5 (d) CONFIDENTIALITY.—Notwithstanding any other
6 provision of law, the Department of the Interior shall
7 treat—

8 (1) any projection, study, data or other infor-
9 mation under the control of the Department of the
10 Interior relating to the terms and conditions of a
11 Water Agreement or modification of such an agree-
12 ment; or

13 (2) any information relating to a financial bene-
14 fit accruing to the Tribes as a result of a Water
15 Agreement or modification of such an agreement;
16 as the privileged, proprietary information of the Tribes.

17 (e) LIMITATION.—Notwithstanding any other provi-
18 sion of this Act or the Fort Peck Indian Tribes-Montana
19 Compact, the Tribes may not enter into any Water Agree-
20 ment which authorizes the use of the tribal water right
21 outside the Basin.

22 (f) ECONOMIC DEVELOPMENT.—(1) There is estab-
23 lished in the Treasury of the United States the “Assini-
24 boine and Sioux Tribes Economic Recovery Fund”.

1 (2) Commencing with fiscal year 1996, and for each
2 fiscal year thereafter, the Secretary of the Treasury shall
3 deposit in the fund an amount equal to 10 percent of the
4 receipts from deposits to the United States Treasury for
5 the preceding fiscal year from the integrated programs of
6 the Eastern Division of the Pick-Sloan Missouri River
7 Basin Project administered by the Western Area Power
8 Administration, but in no event shall the aggregate of the
9 amounts deposited to the fund established by this sub-
10 section exceed \$50,000,000.

11 (3) The Secretary of the Treasury shall deposit the
12 interest which accrues on deposits to the fund in a sepa-
13 rate account in the Treasury of the United States. Such
14 interest shall be available, without fiscal year limitation,
15 for use by the Secretary of the Interior, commencing with
16 fiscal year 1999, and each fiscal year thereafter, in mak-
17 ing payments to the Tribes for use for (A) tribal economic
18 development, including development of long-term profit-
19 making opportunities for the Tribes and employment op-
20 portunities for tribal members, and (B) for acquisition of
21 lands including trust lands within the Reservation from
22 willing sellers and the improvement of such acquired
23 lands, subject to the approval of the Secretary. No part
24 of the principal of the fund shall be available for making
25 such payments.

1 (4) Amounts deposited in the fund shall be
2 nonreimbursable and nonreturnable.

3 (5) No payments pursuant to this Act shall result in
4 the reduction, or the denial, of any Federal services or
5 programs that the Tribes or any of their members, are
6 otherwise entitled to, or eligible for, because of their status
7 as a federally recognized Indian tribe or member pursuant
8 to Federal law. No payments pursuant to this Act shall
9 be subject to Federal or State income tax, or affect Pick-
10 Sloan Missouri River Basin power rates in any way.

11 (6) No part of any moneys in any fund under this
12 Act shall be distributed to any member of the Tribes on
13 a per capita basis.

14 (g) WAIVER OF CLAIMS AGAINST THE UNITED
15 STATES.—In consideration of performance by the United
16 States of all actions required by this Act, including the
17 congressional authorization, appropriation, and payment
18 of all funds for the Fund, the Tribes shall be deemed to
19 have executed in return a waiver and release of any and
20 all existing claims against the United States arising in
21 whole or in part from or concerning water rights finally
22 settled by the Fort Peck Indian Tribes-Montana Compact.

23 **SEC. 4. DEFINITIONS.**

24 For purposes of this Act—

1 (1) The term “Fort Peck Indian Tribes-Mon-
2 tana Compact” means the compact relating to the
3 reserved water rights of the Assiniboiné and Sioux
4 Tribes of the Fort Peck Reservation that was rati-
5 fied by the Tribes on April 29, 1985, and by the leg-
6 islature of the State of Montana on May 15, 1985.

7 (2) The term “Reservation” means the Fort
8 Peck Indian Reservation, as defined in the agree-
9 ment of December 28, 1886, and December 31,
10 1886, and as confirmed by the Act approved May 1,
11 1888 (25 Stat. 113).

12 (3) The term “Secretary” means the Secretary
13 of the Interior.

14 (4) The term “Tribes” means the Assiniboiné
15 and Sioux Tribes of the Fort Peck Indian Reserva-
16 tion.

17 (5) The term “tribal water right” means the
18 tribal water right defined in, and subject to, the
19 Fort Peck-Montana Compact.

20 (6) The term “Fund” means the Assiniboiné
21 and Sioux Tribes Economic Recovery Fund estab-
22 lished by section 3(f)(1).

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